
SUBSTITUTE HOUSE BILL 2129

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Technology, Energy & Communications (originally sponsored by Representatives VanDeWege, Hudgins, Morris, Eddy, Crouse, Hankins, McCoy, Takko, Hurst, McCune and Chase)

READ FIRST TIME 02/23/07.

1 AN ACT Relating to geothermal resources; and amending RCW
2 78.60.070, 78.60.100, 78.60.130, 78.60.200, 78.60.210, and 78.60.230.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 78.60.070 and 1974 ex.s. c 43 s 7 are each amended to
5 read as follows:

6 (1) Any person proposing to drill a well or redrill an abandoned
7 well for geothermal resources shall file with the department a written
8 application for a permit to commence such drilling or redrilling on a
9 form prescribed by the department accompanied by a permit fee (~~of two~~
10 ~~hundred dollars~~). The department shall forward a duplicate copy to
11 the department of ecology within ten days of filing.

12 (2) Upon receipt of a proper application relating to drilling or
13 redrilling the department shall set a date, time, and place for a
14 public hearing on the application, which hearing shall be in the county
15 in which the drilling or redrilling is proposed to be made, and shall
16 instruct the applicant to publish notices of such application and
17 hearing by such means and within such time as the department shall
18 prescribe. The department shall require that the notice so prescribed
19 shall be published twice in a newspaper of general circulation within

1 the county in which the drilling or redrilling is proposed to be made
2 and in such other appropriate information media as the department may
3 direct.

4 (3) Any person proposing to drill a core hole for the purpose of
5 gathering geothermal data, including but not restricted to heat flow,
6 temperature gradients, and rock conductivity, shall be required to
7 obtain a single permit for each (~~(geothermal area)~~) core hole according
8 to subsection (1) of this section, (~~(except that no)~~) including a
9 permit fee (~~(shall be required)~~) for each core hole, but no notice need
10 be published, and no hearing need be held. Such core holes that
11 penetrate more than seven hundred and fifty feet into bedrock shall be
12 deemed geothermal test wells and subject to the payment of a permit fee
13 and to the requirement in subsection (2) of this section for public
14 notices and hearing. In the event geothermal energy is discovered in
15 a core hole, the hole shall be deemed a geothermal well and subject to
16 the permit fee, notices, and hearing. Such core holes as described by
17 this subsection are subject to all other provisions of this chapter,
18 including a bond or other security as specified in RCW (~~(79.76.130)~~)
19 78.60.130.

20 (4) All moneys paid to the department under this section shall be
21 deposited with the state treasurer for credit to the general fund.

22 (5) For the purposes of this section, the department shall charge
23 no more than forty dollars per hour to recover administrative costs
24 associated with processing a permit application. If departmental wages
25 increase significantly, the legislature may review and adjust this
26 amount to reflect the additional costs of administering permits.

27 **Sec. 2.** RCW 78.60.100 and 1974 ex.s. c 43 s 10 are each amended to
28 read as follows:

29 Any well or core hole drilled under authority of this chapter from
30 which:

31 (1) It is not technologically practical to derive the energy to
32 produce electricity commercially, or the owner or operator has no
33 intention of deriving energy to produce electricity commercially, and

34 (2) Usable minerals cannot be derived, or the owner or operator has
35 no intention of deriving usable minerals, shall be plugged and
36 abandoned as provided in this chapter or, upon the owner's or
37 operator's written application to the department of natural resources

1 and with the concurrence and approval of the department of ecology,
2 jurisdiction over the well may be transferred to the department of
3 ecology and, in such case, the well shall no longer be subject to the
4 provisions of this chapter but shall be subject to any applicable laws
5 and (~~regulations~~) rules relating to wells drilled for appropriation
6 and use of ground waters. If an application is made to transfer
7 jurisdiction, a copy of all logs, records, histories, and descriptions
8 shall be provided to the department of ecology by the applicant.

9 **Sec. 3.** RCW 78.60.130 and 1974 ex.s. c 43 s 13 are each amended to
10 read as follows:

11 Every operator who engages in the drilling, redrilling, or
12 deepening of any well or core hole shall file with the department a
13 reasonable bond or bonds with good and sufficient surety, or the
14 equivalent thereof, acceptable to the department, conditioned on
15 compliance with the provisions of this chapter and all rules and
16 (~~regulations and~~) permit conditions adopted pursuant to this chapter.
17 This performance bond shall be executed in favor of and approved by the
18 department.

19 In lieu of a bond the operator may file with the department a cash
20 deposit, negotiable securities acceptable to the department, or an
21 assignment of a savings account in a Washington bank on an assignment
22 form prescribed by the department. The department, in its discretion,
23 may accept a single surety or security arrangement covering more than
24 one well or core hole.

25 **Sec. 4.** RCW 78.60.200 and 1974 ex.s. c 43 s 20 are each amended to
26 read as follows:

27 (1) The owner or operator of any well or core hole shall keep or
28 cause to be kept careful and accurate logs, including but not
29 restricted to heat flow, temperature gradients, and rock conductivity
30 logs, records, descriptions, and histories of the drilling, redrilling,
31 or deepening of the well.

32 (2) All logs, including but not restricted to heat flow,
33 temperature gradients, and rock conductivity logs, records, histories,
34 and descriptions referred to in subsection (1) of this section shall be
35 kept in the local office of the owner or operator, and together with
36 other reports of the owner or operator shall be subject during business

1 hours to inspection by the department. Each owner or operator, upon
2 written request from the department, shall file with the department
3 ((a)) one paper and one electronic copy of the logs, including but not
4 restricted to heat flow, temperature gradients, and rock conductivity
5 logs, records, histories, descriptions, or other records or portions
6 thereof pertaining to the geothermal drilling or operation underway or
7 suspended.

8 **Sec. 5.** RCW 78.60.210 and 1974 ex.s. c 43 s 21 are each amended to
9 read as follows:

10 Upon completion or plugging and abandonment of any well or core
11 hole or upon the suspension of operations conducted with respect to any
12 well or core hole for a period of at least six months, one paper and
13 one electronic copy of ((the)) logs, including but not restricted to
14 heat flow, temperature gradients, and rock conductivity logs, core
15 ((record)), electric log, history, and all other logs and surveys that
16 may have been run on the well, shall be filed with the department
17 within thirty days after such completion, plugging and abandonment, or
18 six months' suspension.

19 **Sec. 6.** RCW 78.60.230 and 1974 ex.s. c 43 s 23 are each amended to
20 read as follows:

21 (1) The records of any owner or operator, when filed with the
22 department as provided in this chapter, shall be confidential and shall
23 be open to inspection only to personnel of the department for the
24 purpose of carrying out the provisions of this chapter and to those
25 authorized in writing by such owner or operator, until the expiration
26 of a twenty-four month confidential period to begin at the date of
27 commencement of production or of abandonment of the well or core hole.
28 After expiration of the twenty-four month confidential period, the
29 department shall ensure all logs and surveys that may have been run on
30 the well or core hole are preserved in an electronic data system and
31 made available to the public.

32 (2) Such records shall in no case, except as provided in this
33 chapter, be available as evidence in court proceedings. No officer,
34 employee, or member of the department shall be allowed to give
35 testimony as to the contents of such records, except as provided in
36 this chapter for the review of a decision of the department or in any

1 proceeding initiated for the enforcement of an order of the department,
2 for the enforcement of a lien created by the enforcement of this
3 chapter, or for use as evidence in criminal proceedings arising out of
4 such records or the statements upon which they are based.

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